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10/685,456	10/16/2003	Hideki Kawai	Q77945	5429

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EXAMINER

RIES, LAURIE ANNE

ART UNIT	PAPER NUMBER
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2176

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

47

Office Action Summary	Application No. 10/685,456	Applicant(s) KAWAI ET AL.	
	Examiner Laurie Ries	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) 6,8-10,33,34,42-44,48,50-52,75 and 76 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-41 is/are allowed.
- 6) ☒ Claim(s) 1-5,7,11,12,14,18,20,23,28,36,37,45-47,49,53,54,56,60,62,65,70,78 and 79 is/are rejected.
- 7) ☒ Claim(s) 13,15-17,19,21,22,24-27,29-32,57-59,61,63,64,66-69,71-74,77 and 3555 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/20/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Request for Continued Examination, filed 17 November 2007, to the Original Application, filed 16 October 2003.
2. Claims 1-5, 7, 11-32, 35-41, 45-47, 49, 53-74, and 77-79 are pending. Claims 6, 8-10, 33-34, 42-44, 48, 50-52, and 75-76 have been withdrawn. Claims 1, 3, 38, 45, and 46 are independent claims.

Request for Continued Examination

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 November 2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, 11, 12, 18, 20, 28, 36, 37, 45-47, 49, 53, 54, 60, 62, 65, 70, 78 and 79 are rejected under 35 U.S.C. 102(b) as being anticipated by Bates et al., U.S. Patent Application Publication No. US 2002/0133514 A1 (hereinafter, "Bates").

Claim 1:

Bates discloses *an apparatus for checking a link to a target hypertext database, comprising a data processing unit, and a storage device, wherein the data processing unit executes instructions for detecting a logically mismatched link to said hypertext database* (see Bates, Page 2, paragraph 0020, teaching storing hypertext data, and Page 2, paragraph 0023, teaching detecting a link mismatch).

Claim 2:

Bates discloses *the apparatus for checking the link as set forth in Claim 1, wherein the data processing unit executes instructions for detecting at least one of the following logically mismatched links:*

- *a link having a mismatch between the hyperlink appearing on a source web page and a target web page (Bates, Page 4, paragraph 0034, teaching a link having a hyperlink that is not readily apparent to a user);*
- *a link having a mismatch between the hyperlink appearing on the source web page and a target web page having expired content;*
- *a link having an inconsistent hyperlink appearing on multiple web pages;*
- *a link having a different method of presenting an associated target web page than other links on the same web page in the same website;*
- *a link having a hyperlink that is not readily apparent to a user; and*
- *a link that forms a loop with other links relating to a similar topic.*

Claim 3:

Bates discloses *an apparatus for checking a link, said apparatus comprising:*

- *an information storing unit which stores information about links (see Figures 1-5; see Paragraphs 0001-0053 and all claims on Pages 5-8 → Bates discloses this limitation in that the link verifying system stores information concerning URLs);*
and

- *a condition detecting unit which executes instructions for detecting a logically mismatched link (See Bates, Page 2, paragraph 0020 and paragraph 0023).*

Claim 4:

Bates discloses the apparatus for checking the link as set forth in Claim 3, further comprising an information collecting unit which collects information about the link, wherein stored by said information collecting unit (See Bates, Figure 2, element 106, and Page 2, paragraph 0025).

Claim 5:

Bates discloses the apparatus for checking the link as set forth in Claim 3, further comprising a candidate providing unit which provides a correction candidate related to the logically mismatched link detected by said condition detecting unit, wherein the correction candidate includes information for correcting the link information of the mismatched link (See Bates, Figure 5).

Claim 7:

Bates discloses *the apparatus for checking the link as set forth in Claim 5, further comprising a correction reflecting unit which corrects the logically mismatched link* (see Bates, Figure 5, element 320).

Claim 11:

Bates discloses *the apparatus for checking the link as set forth in Claim 3, wherein said condition detecting unit divides said information about the links into groups in accordance with a predetermined condition and detects a subgroup of the groups that includes the logically mismatched link* (See Bates, Page 4, paragraphs 0039-0042 → Bates discloses these limitations in that the link verifying system stores metadata associated with URLs and uses the metadata to contextually verify the URLs. Also, the system allows the user to provide specific context terms and negative context terms that are used to contextually verify the URLs.).

Claim 12:

Bates discloses *the apparatus for checking the link as set forth in Claim 3, wherein said condition detecting unit detects a link having a mismatch between the link and a target web page* (See Bates, Figure 5, such as hyperlink target to webpage www.whitehouse.com).

Claim 18:

Bates discloses *the apparatus for checking the link as set forth in Claim 5, wherein said condition detecting unit divides said information about the links into groups including a major group and a minor group in accordance with a predetermined condition and detects said minor group as including the logically mismatched link* (See Bates, Page 4, paragraph 0039-0042 → Bates discloses these limitations in that the link verifying system stores metadata associated with URLs and uses the metadata to contextually verify the URLs. Also, the system allows the user to provide specific context terms and negative context terms that are used to contextually verify the URLs.).

Claim 20:

Bates discloses *the apparatus for checking the link as set forth in Claim 5, wherein said condition detecting unit detects a link having a mismatch between the link and a target web page* (See Bates, Figure 5, such as hyperlink target to webpage www.whitehouse.com).

Claim 28:

Bates discloses *the apparatus for checking the link as set forth in Claim 4, wherein said information collecting unit repeatedly collects said information about*

the links, and said information storing unit stores said information collected at different times (See Bates, Figure 2, element 106, and Page 2, paragraph 0025 → Bates discloses these limitations in that the link verifying system collects metadata associated with URLs and allows the user to provide specific context terms and negative context terms at various times and stores the information for later use in contextually verifying the URLs).

Claim 36:

Bates discloses *the apparatus for checking the link as set forth in Claim 1, having a link on a target website to be checked* (See Bates, Figure 5, such as hyperlink target to webpage www.whitehouse.com).

Claim 37:

Bates discloses *the apparatus for checking the link as set forth in Claim 3, having a link on a target website to be checked* (See Bates, Figure 5, such as hyperlink target to webpage www.whitehouse.com).

Claims 45 and 46:

The claims merely recite computer software for performing the same method performed by the "apparatus" of Claim 3. Thus, Bates discloses every limitation of Claims 45 and 46, as indicated in the above rejection for Claim 3.

Claims 47, 49, 53, 54, 60, 62, 65, 70, 78 and 79:

Claims 47, 49, 53, 54, 60, 62, 65, 70, 78 and 79 merely recite computer software for performing the same methods performed by the "apparatus" of Claims 5, 7, 11, 12, 18, 20, 23, 28, 36 and 37, respectively. Thus, Bates discloses every limitation of Claims 47, 49, 53, 54, 60, 62, 65, 70, 78 and 79, as indicated in the above rejections for Claims 5, 7, 11, 12, 18, 20, 23, 28, 36 and 37.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14, 23 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, in view of Carswell et al., U.S. Patent Application Publication No. US 2002/0065720 A1 (hereinafter, Carswell).

Claim 14:

As indicated in the above rejection, Bates discloses every limitation of Claim 3.

Bates fails to expressly disclose:

- *detecting a link having a mismatch between the hypertext appearing on a source web page and a target web page **having expired content**.*

Carswell teaches an apparatus for checking a link, comprising:

- *a condition detecting unit [that] detects a link having a mismatch between the hypertext appearing on a source web page and a target web page having expired content (see Page 7, Paragraphs 0098-0100 → Carswell teaches this limitation in that the online promotion system periodically contacts web servers to remove expired promotions data and replace it with new promotions data),*

for the purpose of issuing online promotions such as coupons over public computer networks (see Page 1, Paragraph 0008).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus, disclosed in Bates, to include:

- *detecting a link having a mismatch between the hypertext appearing on a source web page and a target web page **having expired content**,*

for the purpose of issuing online promotions such as coupons over public computer networks, as taught in Carswell.

Claim 23 and 56:

The claims correspond to the subject matter recited in Claim 14. Thus, Bates, in view of Carswell, discloses/teaches every limitation of Claims 23 and 56, and provides proper motivation, as indicated in the above rejection for Claim 14.

Allowable Subject Matter

6. Claims 38-41 are allowed.

The following is an examiner's statement of reasons for the indication of allowable subject matter:

Claim 38:

The prior art fails to disclose or suggest the combination of limitations recited in the claim.

Claims 39-41:

These claims are dependent upon Claim 38 and are thus allowable.

7. Claims 13, 15-17, 19, 21-22, 24-27, 29-32, 35, 55, 57-59, 61, 63, 64, 66-69, 71-74 and 77 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also, all objections to and rejections for the claims must be obviated before the claims are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 55, 57-59, 61, 63, 64, 66-69, 71-74 and 77:

The prior art fails to disclose or suggest the combination of limitations recited in the claims.

Response to Arguments

8. Applicant's arguments, see Request for Continued Examination, filed 17 November 2007, with respect to the rejection of claims 1-5, 7, 11-32, 35-37, 45, 53-59, 72-74, and 78, have been fully considered and are persuasive. The rejection of claims 1-5, 7, 11-32, 35-37, 45, 53-59, 72-74, and 78 under 35 U.S.C. 101 has been withdrawn.

Applicant's arguments filed 17 November 2007 with regard to claims 1-5, 7, 11, 12, 18, 20, 28, 36, 37, 45-47, 49, 53-54, 60, 62, 65, 70, and 78-79 under 35 U.S.C. 102(b) and claims 14, 23, and 56 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive

Regarding the rejection of claims 1-5, 7, 11, 12, 18, 20, 28, 36, 37, 45-47, 49, 53-54, 60, 62, 65, 70, and 78-79 under 35 U.S.C. 102(b) and claims 14, 23, and 56 under 35 U.S.C. 103(a), Applicant argues that Bates fails to disclose detecting a logically mismatched link as set forth in the claims. The Office respectfully disagrees. As

Applicant specifies in representative claim 2, a mismatched link may include a link having a hyperlink that is not readily apparent to a user (See Applicant's Instant Claim 2). Bates discloses detecting a link that may contain the same domain name, such as "Whitehouse", but a different top level domain name, such as .com, .gov, .edu, etc., thus if the user is attempting to reference a hyperlink that is associated with the White House in relation to the United States government, it may not be readily apparent to the user that the top level domain name of the "whitehouse" hyperlink refers to a target website not associated with the United States government. Therefore, Bates clearly discloses detecting a logically mismatched link as specified by Applicant.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached at (571) 272-4137.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Application/Control Number:
10/685,456
Art Unit: 2176

Page 15

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Laurie Ries/
Laurie Ries
Patent Examiner
Art Unit 2176